

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE
NOVEMBER 2, 1988

SUBJECT: DELIVERY OF UNCLAIMED TOYS AND BICYCLES TO THE UNITED STATES MARINE CORPS'
"TOYS FOR TOTS" CAMPAIGN

PREPARED BY: City Attorney

RECOMMENDED ACTION: The U. S. Marine Corps' "Toys For Tots" campaign, working in conjunction with the San Joaquin County Department of Aging, Childrens' and Community Services, has requested that the City Council consider turning over to the toy drive all unclaimed bicycles and toys held by the Lodi Police Department, in lieu of selling these items at auction, as has been done in the past.

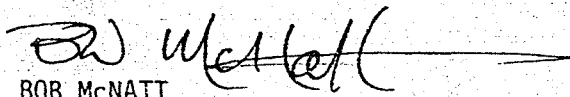
Under Welfare and Institutions Code § 217, the Council may, by ordinance, turn over all unclaimed toys and bicycles held by the Police Department for more than 60 days to nonprofit organizations to be used "... in a program or activity designed to prevent juvenile delinquency."

The County department of Aging, Childrens' and Community Services appears to meet all criteria specified in the statute, thus satisfying the requirements stated that the organization to which the toys and bicycles are turned over be nonprofit, and that the toys and bicycles be used in a program designed to prevent juvenile delinquency.

I believe there is adequate justification, if the Council desires to do so, to utilize the provisions of § 217 to authorize the delivery of the toys and bicycles for distribution in conjunction with the Marine Corps' "Toys For Tots" campaign.

However, since the Welfare and Institutions code section specifies that the Council must act by ordinance, if it wishes to approve the proposal, the Council should act by urgency ordinance, in order to allow the delivery of the toys in time for Christmas. Otherwise, the final adoption of the ordinance would not occur until December, which would probably not allow timely delivery of the items.

Respectfully submitted,


BOB McNATT
City Attorney

BM:vc

CCCTOYS/TXTA.01V

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor

JOHN R. (Randy) SNIDER
Mayor Pro Tempore

DAVID M. HINCHMAN

EVELYN M. OLSON

FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

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THOMAS A. PETERSON

City Manager

ALICE M. REINICHE

City Clerk

BOB McNATT

City Attorney

November 3, 1988

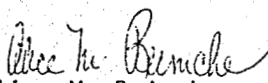
Phillip J. Suchecki
First Sergeant
U. S. Marine Corps
CO B (REIN), 4th LSB, 4th FSSG
AFRIC, P. O. Box 215
Lathrop, CA 95330

Dear Sergeant Suchecki:

Enclosed for your files is a certified copy of Ordinance No. 1441 entitled, "An Urgency Ordinance Of The Lodi City Council Directing That Unclaimed Bicycles and Toys Be Turned Over To The United States Marine Corps' 'Toys for Tots' Campaign" which was adopted by the Lodi City Council at its regular meeting of November 2, 1988.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,


Alice M. Reiniche
City Clerk

AMR:jj

ORDINANCE NO. 1441

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL
DIRECTING THAT UNCLAIMED BICYCLES AND TOYS BE TURNED OVER
TO THE UNITED STATES MARINE CORPS' "TOYS FOR TOTS" CAMPAIGN

WHEREAS, the City Council is authorized, pursuant to Welfare and Institutions Code § 217, to direct the Lodi Police Department to turn over to a nonprofit organization, certain unclaimed bicycles and toys in its possession; and

WHEREAS, the United States Marine Corps, working in conjunction with the San Joaquin County Department of Aging, Childrens' and Community Services, has requested that unclaimed bicycles and toys held by the Lodi Police Department for more than sixty days be turned over for distribution as part of the Marine Corps' "Toys For Tots" campaign;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. The Council hereby finds and declares that as follows:

- A. The San Joaquin County Department of Aging, Childrens' and Community Services, and the United States Marine Corps are nonprofit organizations, exempt from income taxation under Federal and State law;
- B. Both may participate in programs or activities designed to prevent juvenile delinquency;

- C. The program or activity for which such bicycles and toys are delivered is designed to prevent juvenile delinquency.

SECTION 2.

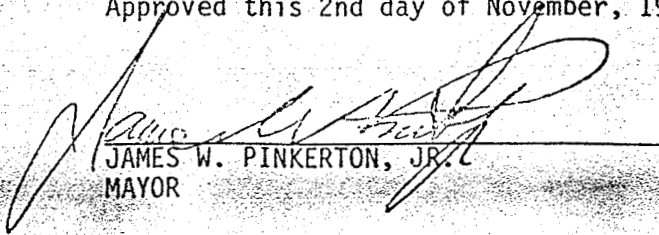
The Lodi Police Department is hereby directed to turn over to the United States Marine Corps' "Toys For Tots" campaign, all bicycles and toys presently in its possession which have been unclaimed for more than sixty days.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.


SECTION 4. The public health, safety or welfare require that this ordinance be adopted as an urgency measure.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

Approved this 2nd day of November, 1988


JAMES W. PINKERTON, JR.
MAYOR

Attest:


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1441 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held November 2, 1988, and was thereafter passed, adopted and ordered to print by the following vote:

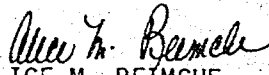
Ayes : Council Members - Hinchman, Olson, Snider and
Pinkerton (Mayor)

Noes : Council Members - None

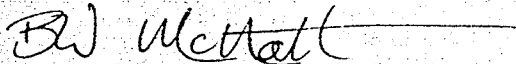
Absent: Council Members - Reid

Abstain : Council Members - None

I further certify that Ordinance No. 1441 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form


BOBBY W. McNATT
City Attorney